

REMARKS

This Amendment is being filed in response to the Final Office Action mailed November 13, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the remarks to follow are respectfully requested.

Claims 1-16 and 19 remain in this application, where claims 17-18 and 20 had been canceled without prejudice. Claims 1 and 9 are independent.

In the Final Office Action, claims 1-16 and 19 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,658,325 (Zweig) in view of U.S. Patent Application Publication No. 2002/0081937 (Yamada). It is respectfully submitted that claims 1-16 and 19 are patentable over Zweig and Yamada for at least the following reasons.

Zweig is directed to a computerized robot with an on board internet web server. Instead of having a large number of internal sensors, the Zweig robot moves to close proximity of external sensors for communication therewith.

Yamada is directed to an electronic toy or robot which is automatically activated when the user is nearby. Yamada has 83 figures and 27 pages of text qualifying this patent as "complex". Therefore pursuant to 37 CFR 1.104, the Examiner must indicate how the reference is being applied. Since the references are complex, Applicants will confine their remarks to those portions cited by the Examiner, except as otherwise indicated. Applicants make no representation as to the contents of other portions of the references.

On page 5 of the Final Office Action, paragraphs [0045] and [0049] of Yamada are cited to allegedly show producing behavior based on user preference. Paragraphs [0045] and [0049] of Yamada merely disclose that information and sound are externally output based on emotion parameter included in a control parameter. The emotion parameter is represented as the biorhythm of a specific person.

It is respectfully submitted that Yamada does not disclose or suggest that such as a specific person is the user of the robot. Rather, paragraph [0314], last 8 lines of Yamada specifically recite that the:

control of the action operation may also be performed pursuant to the control code stored beforehand in the ROM of the robot, or by the sender designating a control program formed from a series of control codes. Moreover, the sender may program, to his/her liking, the series of movements of the robot by assembling control codes corresponding to the individual operations. (Emphasis provided)

That is, Yamada discloses or suggest that such as a specific person is the sender, and NOT THE USER, where it is the sender that may program, to his/her liking, the series of movements of the robot by assembling control codes corresponding to the individual operations.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claim 9, amongst other patentable elements recites (illustrative emphasis provided):

wherein the means for rendering produce behaviors and interactions based on user preferences stored in a memory of the robot regarding rendering of said downloaded instructions to the user including pace of delivery, loudness of the rendering, and movements.

These features are nowhere taught or suggest in Zweig and the cited sections of Yamada, alone or in combination. Paragraphs

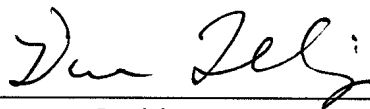
[0045] and [0049] of Yamada merely disclose that information and sound are externally output based on emotion parameter of a specific person, namely, the sender, as specifically recited in paragraph [0314], last 8 lines of Yamada. That is, any customized control is provided by the sender in Yamada, as specifically recited in paragraph [0314].

Accordingly, it is respectfully submitted that independent claims 1 and 9 are allowable. In additions, claims 2-8, 10-16 and 19 are also allowable at least based on their dependence from independent claims 1 and 9.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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